

REMARKS

Applicants respectfully request reconsideration of the application in view of the following remarks.

The present invention as set forth in **Claims 1, 8 and 15** relates to pellicles. Notably, the pellicles comprise a fluoropolymer satisfying the following requirement:

in the measurement of a high resolution proton magnetic resonance spectrum of said fluoropolymer, a number of hydrogen atoms based on signals appearing on a magnetic field side higher than 2.8 ppm, is **at most 6 mol%** based on a total number of hydrogen atoms.

Example 6 of Matsukura et al uses fluoropolymer (A) prepared according to Example 1 of Matsukura et al. Applicants previously submitted a Rule 132 Declaration showing that the fluoropolymer (A) of Matsukura et al is outside the scope of the claimed pellicle because fluoropolymer (A) of the reference does not satisfy the above requirement of the fluoropolymer of Claims 1, 8, and 15. Notably, the number of hydrogen atoms based on signals appearing on a magnetic field side higher than 2.8 ppm, is **6.4 mol%** based on a total number of hydrogen atoms, and **not at most 6.0 mol% as claimed**.

The Examiner asserts that the Declaration filed October 21, 2004, is insufficient because the polymer tested may not be the same as Polymer A of Matsukura et al.

The conversion of monomer to polymer in Matsukura et al is 50% while in the Declaration it is about 94%. According to the Examiner, this raises doubts as to whether or not the polymer tested is the same as Polymer A of Matsukura et al. Applicants disagree.

Below is a comparison between the tracing experiment of the Matsukura Rule 132 Declaration and Example 1 of Matsukura et al.

| | Example 1 of US 2001/24701 A1 | Tracing experiment of Matsukura Declaration |
|----------------------------|-----------------------------------|--|
| Monomer amount | 20g | 1.7g |
| Solvent amount | 40g | 3.1g |
| Conversion rate | $10\text{g}/20\text{g} = 50\%$ | $1.6\text{g}/1.7\text{g} = 94\%$ |
| Monomer: solvent ratio | $20\text{g}:40\text{g} = 1:2$ | $1.7:3.1 = 1:1.8$ |
| Monomer: initiator ratio | $20\text{g}:20\text{mg} = 1000:1$ | $1.7\text{g}:1/5\text{ mg} = 1133:1$ |
| Polymerization temperature | 18°C | 18-20°C |
| NMR>2.8 ppm area % | Not described | 6.4 mol% |

When preparing polymers by radical polymerization, the type of monomer and the monomer ratio are polymerization conditions that can influence the nature of the obtained polymers. However, in the experiment of the Rule 132 Declaration, only the molecular weight can be influenced because the monomer compositions of the polymers are the same. Notably, homopolymers are produced using the same one kind of monomer.

Further, the Examiner doubts that the different monomer: solvent ratios, the different monomer: initiator ratios, conversion rates and polymerization temperatures can influence the polymers. Applicants disagree.

Solvents do not influence molecular weights because they are not incorporated in the polymers by e.g. chain transfer.

The different monomer: initiator ratios of 1000:1 and 1133:1 only influence the starting time of polymerization but not the molecular weight.

Further, the difference of conversion rates does not influence molecular weights of polymers. Applicants wish to draw the Examiner's attention to the attached reference and its translation: "Polymer Synthetic Chemistry." During radical polymerization, molecular weights of produced polymers are high from the beginning and are kept constant during the polymerization as shown in Figure 1-5.

Polymerization temperatures influence stereo structures, but do not influence molecular weights.

Accordingly, the molecular weight of the polymer tested as the tracing experiment in the Matsukura Declaration is the same as that of the polymer described in, Example 1 of Matsukura et al (US 2001/0024701 A1).

Therefore, the rejection of Claims 1-5, 8-12 and 15-19 under 35 U.S.C. § 102(b) as anticipated by Matsukura et al (US 2001/0024701 A1) and the rejection of Claims 6, 7, 13, 14, 20 and 21 under 35 U.S.C. § 102(b) as anticipated by or in the alternative, under 35 U.S.C. § 103(a) as obvious over Matsukura et al (US 2001/0024701 A1), are believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of these rejections is respectfully requested.

The Examiner is requested to consider the **IDS** filed herewith.

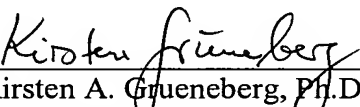
This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
NFO:KAG:


Kirsten A. Grueneberg, Ph.D.
Registration No.: 47,297